

Appl. No. 09/203,894
Amendment dated August 20, 2003
Reply to Office Action of May 9, 2003

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Claims 1-5, 7, 8, 13-19, 21, 22, and 26-28 are pending in the application with claims 1, 3-5, 13-15, 17-19, 27, and 28 having been currently amended.

Claims 3-5, 13, 14, 17-19, 27 and 28 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention.

Specifically, according to the Examiner: "A.P.I. and V.I. are unexplained abbreviations. They should be explained when they appear the first time, in both the specification and the claims." The designation "VI" was explained as meaning "viscosity index" in its first appearance in the specification by the amendment to the specification filed in response to the Office Action of January 13, 2003. The specification has now also been amended as shown above to specify that "API" stands for "American Petroleum Institute". Similarly, "viscosity index" has been substituted for "VI" and "American Petroleum Institute" has been substituted for "API" throughout the claims.

Accordingly, it is requested that the rejection of claims 3-5, 13, 14, 17-19, 27 and 28 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims 1, 7, 8, 13, 15, 21, 22, and 27 have been rejected under 35 U.S.C. 102(e) as anticipated by Fagouri et al. (U.S. Patent No. 6,080,929).

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It is stated in paragraph 7 of the Office Action, "Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Fagouri et al. 6,080,929." No claim numbers are designated. Accordingly, Applicants are unable to respond to this rejection.

Fagouri et al. is directed to an improvement in a wire or cable system comprising a wire or cable portion, an insulation composition surrounding the wire or cable portion, a filler material surrounding the insulation composition and a jacket composition surrounding the filler material wherein either the insulation composition, the jacket composition, or both comprise at least one antioxidant, wherein the improvement comprises the inclusion in the filler material of a stabilizing mixture comprising at least two antioxidants, selected from at least two members of the group consisting of: (a) metal dithiocarbamate salts, (b) amine antioxidants, and (c) sterically hindered phenolic antioxidants, wherein the stabilizing mixture is present in the filler material in an amount that is effective for the reduction of the oxidation of the cable filling material, thereby reducing deterioration of the jacket and/or insulation.

Thus, the stabilization mixture of Fagouri et al. must comprise a mixture of:

- 1) a metal dithiocarbamate salt and an amine antioxidant, or
- 2) a metal dithiocarbamate salt and a sterically hindered phenolic antioxidant, or
- 3) an amine antioxidant and a sterically hindered phenolic antioxidant.

As amended, the antioxidant mixture of the present invention consists of a combination of two or more amines. In other words, the amended claims do not read on any of the mixtures 1), 2), or 3), since there will be no metal dithiocarbamate or sterically hindered phenolic antioxidant present.

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Accordingly, it is requested that the rejection of claims 1, 7, 8, 13, 15, 21, 22, and 27 under 35 U.S.C. 102(e) as anticipated by Fagouri et al. be withdrawn.

Further, it is submitted that none of the claims pending in the application are obvious over Fagouri et al. As noted above, Fagouri et al. do not disclose or suggest an antioxidant mixture consisting of two or more amine antioxidants. Applicants have shown in the examples that mixtures of two amine antioxidants with API Groups I and II base oils give unexpectedly better OIT results than either amine antioxidant employed alone at the same weight percent level. See, in particular, Tables 5 and 6. Further, Blends 9 and 13 in Table 4 show that similar desirable results can be obtained with polyol ester base oils when appropriate weight ratios of the two amines are used.

In view of the foregoing, it is submitted that this application is now in condition for allowance and an early Office Action to that end is earnestly solicited.

Respectfully submitted,

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